

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION**

TOWN OF BELHAVEN, NC; and)	
THE NORTH CAROLINA NAACP)	
STATE CONFERENCE OF BRANCHES,)	Case No. 4:14-cv-00151-D
THE HYDE COUNTY NAACP BRANCH,)	
and THE BEAUFORT COUNTY NAACP)	Hon. James C. Dever, III
BRANCH,)	
)	
Plaintiffs,)	
)	
v.)	
)	
PANTEGO CREEK, LLC and)	
VIDANT HEALTH, INC.,)	
)	
Defendants.)	

**DEFENDANT UNIVERSITY HEALTH SYSTEMS OF EASTERN CAROLINA, INC.
D/B/A VIDANT HEALTH'S Fed. R. Civ. P. 12(b)(6) MOTION TO DISMISS**

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant University Health Systems of Eastern Carolina, Inc. d/b/a Vidant Health (hereafter "Vidant"), by and through the undersigned counsel, moves to dismiss the Second Cause of Action asserted in Plaintiffs' Complaint for Unfair Trade Practices in violation of N.C.G.S. 75-1.1 *et seq.* as alleged against Vidant. In support of its Motion, Vidant incorporates as if fully set forth herein the points and authorities cited in the accompanying Brief In Support of this Motion, which is filed and served herewith.

WHEREFORE, Defendant University Health Systems of Eastern Carolina, Inc. d/b/a Vidant Health respectfully requests that the Court enter an Order dismissing with prejudice Plaintiffs' Second Cause of Action for Unfair Trade Practices as asserted against Defendant Vidant.

Respectfully submitted this 3rd day of October, 2014.

K&L GATES LLP
*Attorneys for Defendant University Health Systems
of Eastern Carolina, Inc. d/b/a Vidant Health*

By: /s/ Gary S. Qualls
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CERTIFICATE OF SERVICE

The undersigned hereby certify that on October 3, 2014 I electronically filed the foregoing **DEFENDANT UNIVERSITY HEALTH SYSTEMS OF EASTERN CAROLINA, INC. D/B/A VIDANT HEALTH'S ANSWER AND AFFIRMATIVE DEFENSES** with the Clerk of the Court using the CM/ECF system which should send notification of such filing to the parties below.

The undersigned hereby certifies that a copy of the foregoing **DEFENDANT UNIVERSITY HEALTH SYSTEMS OF EASTERN CAROLINA, INC. D/B/A VIDANT HEALTH'S Fed. R. Civ. P. 12(b)(6) MOTION TO DISMISS** was served upon the following by depositing a copy of the same in the United States Mail, and addressed as follows:

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

John B. Tate III
P.O. Box 700
Chocowinity, NC 27817

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Alan McSurely
109 N. Graham St., Suite 100
Chapel Hill, NC 27516

VIA UNITED STATES MAIL

Scott C. Hart
Post Office Drawer 889
New Bern, NC 28563

This 3rd day of October, 2014.

By: /s/Gary S. Qualls
N.C. State Bar No. 16798

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